

PHYSICAL RESTRAINT IN SCHOOLS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the use of physical restraint in schools.

Highlighted Provisions:

This bill:

- defines terms;
- amends provisions related to the infliction of corporal punishment on a student;
- amends provisions related to the use of physical restraint in schools;
- amends provisions related to a student who willfully defaces or otherwise ~~H→~~ [injures]

damages ~~←H~~

school property; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11-801, as enacted by Laws of Utah 1992, Chapter 251

53A-11-802, as enacted by Laws of Utah 1992, Chapter 251

53A-11-806, as last amended by Laws of Utah 2008, Chapter 3

53A-11-902, as last amended by Laws of Utah 2015, Chapter 442



(2) ~~[This section does not prohibit the use of]~~ A school employee may use reasonable and necessary physical restraint ~~[or force]~~ in self defense or when otherwise appropriate to the circumstances to:

(a) obtain possession of a weapon or other dangerous object in the possession or under the control of a ~~[child]~~ student;

(b) protect ~~[the child]~~ a student or another ~~[person]~~ individual from physical injury;

(c) remove from a situation a ~~[child]~~ student who is violent ~~[or disruptive]~~; or

(d) protect property from being damaged, when physical safety is at risk.

(3) Nothing in this section prohibits a school employee from using less intrusive means, including a physical escort, to address circumstances described in Subsection (2).

~~[(3)]~~ (4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of an act prohibited by this part is void and unenforceable.

(b) An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited under this part.

~~[(4)]~~ (5) A parochial or private school that does not receive state funds to provide for the education of a student may exempt itself from the provisions of this section by adopting a policy to that effect and notifying the parents or guardians of ~~[children]~~ students in the school of the exemption.

H→ (6) This section does not apply to a law enforcement officer as defined in Section 53-13-103. ←H

Section 3. Section **53A-11-806** is amended to read:

53A-11-806. Defacing or H→ [injuring] damaging ←H school property -- Student's liability -- Work program alternative.

(1) ~~[Any]~~ A student who willfully defaces or otherwise ~~H→ [injures]~~ damages ←H any school property may be suspended or otherwise disciplined.

(2) (a) ~~[Any school district whose]~~ If a school's property has been lost or willfully cut, defaced, or otherwise ~~H→ [injured]~~ damaged ←H ~~[may]~~, the school may withhold the issuance of an official written

grade ~~[reports]~~ report, diploma, ~~[and transcripts]~~ or transcript of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages.

(b) The student's parent or guardian is liable for damages as otherwise provided in Section 78A-6-1113.

(3) (a) If the student and the student's parent or guardian are unable to pay for the damages or if it is determined by the school in consultation with the student's ~~[parents]~~ parent